

HOUSE BILL No. 4586

EXECUTIVE BUDGET BILL

March 18, 1991, Introduced by Reps. Ostling, Johnson, Knight and Bender and referred to the Committee on Appropriations.

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1992; to provide for the expenditure of the appropriations; to prescribe certain powers and duties of the department of corrections; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. There is appropriated for the department of corrections
2 for the fiscal year ending September 30, 1992, from the following funds:

3 DEPARTMENT OF CORRECTIONS

4 APPROPRIATIONS SUMMARY:

5 Full-time equated unclassified positions.....3.0

1	Full-time equated classified positions..15,786.5	
2	GROSS APPROPRIATION.....	\$ 924,616,200
3	Interdepartmental grant revenues:	
4	Total interdepartmental grants.....	\$ 21,033,900
5	Total interdepartmental transfers.....	\$ 53,664,100
6	ADJUSTED GROSS APPROPRIATION.....	\$ 849,918,200
7	Federal revenues:	
8	Total federal revenues.....	\$ 2,045,000
9	Special revenue funds:	
10	Total local revenues.....	\$ 1,613,300
11	Total private revenues.....	\$ 50,000
12	Total other state restricted revenues.....	\$ 29,180,600
13	State general fund/general purpose.....	\$ 817,029,300
14	CENTRAL ADMINISTRATION	
15	Full-time equated unclassified positions.....3.0	
16	Full-time equated classified positions.....635.1	
17	Director.....	\$ 80,300
18	Unclassifieds.....	130,700
19	Central Administration services.....	59,200,200
20	GROSS APPROPRIATION.....	\$ 59,411,200
21	Appropriated from:	
22	HHS-ADAMHA, anti-drug abuse block grant.....	695,000
23	DOJ-BJA PL 100-690 federal grant.....	600,000
24	IDG-DMB-arts council grants.....	20,000
25	IDG-DMB-Michigan justice training fund.....	600,900
26	IDG-DED-OVAE, vocational education, special program..	27,000
27	IDG-DED-ECIA, Chapter I.....	990,200
28	IDG-DED-OVAE, adult education, state administered....	350,000

1	IDG-DED, public law 94-142.....	92,200
2	IDG-DED-ECIA, Chapter 2, library grant.....	10,000
3	IDG-DED, staff development and training.....	15,000
4	IDT-end user computing equipment.....	2,128,100
5	IDG-vocational education equipment.....	70,000
6	Resident stores.....	268,800
7	Physical fitness/wellness program reimbursement.....	21,000
8	Correctional industries revolving fund.....	171,000
9	Telephone fees and commissions.....	3,000,000
10	Local-county reimbursement.....	45,000
11	Local-DOL-job training projects.....	100,000
12	Local-community college reimbursement.....	40,000
13	Private-protocol review.....	50,000
14	State general fund/general purpose..... \$	50,117,000
15	CONSENT DECREE	
16	Full-time equated classified positions.....896.5	
17	Consent Decree-Department of Justice - 284.7 FTE	
18	positions..... \$	14,032,200
19	Consent Decree-Hadix - 234.0 FTE positions.....	8,588,700
20	Consent Decree-DOJ Psychiatric Plan - 377.8 FTE	
21	positions.....	14,674,500
22	GROSS APPROPRIATION..... \$	37,295,400
23	Appropriated from:	
24	State general fund/general purpose..... \$	37,295,400
25	OFFICE OF HEALTH CARE	
26	Full-time equated classified positions.....823.5	
27	Health Care Services - 823.5 FTE positions..... \$	52,052,700
28	GROSS APPROPRIATION..... \$	52,052,700

1	Appropriated from:	
2	State general fund general purpose.....	\$ 52,052,700
3	Full-time equated classified positions..11,257.2	
4	Institutional Operations - 11,257.2 FTE positions..	623,865,400
5	GROSS APPROPRIATION.....	\$ 623,865,400
6	IDT-print shop user fees.....	529,000
7	IDT-optical lab user fees.....	51,000
8	IDT-surplus food user fees.....	290,600
9	IDT-dental lab user fees.....	75,800
10	IDT-Institutional savings.....	50,589,600
11	IDG-from school aid act	18,808,600
12	Resident stores.....	575,600
13	Public works user fees.....	930,600
14	Steam heat user fees.....	35,000
15	State general fund/general purpose.....	\$ 551,979,600
16	ALTERNATIVES TO INCARCERATION	
17	Full-time equated classified positions...1,960.4	
18	Field supervision - 1,138.2 FTE positions.....	\$ 58,229,400
19	Electronic tether program - 133.0 FTE positions....	9,941,700
20	Special alternative incarceration program -	
21	245.5 FTE positions.....	15,531,700
22	Community residential program - 443.6 FTE	
23	positions.....	31,485,500
24	GROSS APPROPRIATION.....	\$ 115,188,300
25	Appropriated from:	
26	IDG-DMB-DOJ-justice assistance act.....	50,000
27	Local-county jail program.....	428,300
28	Local-community tether program reimbursement.....	1,000,000

1	Public works user fees.....	80,000
2	Oversight fees.....	8,142,800
3	Resident contributions revenues.....	1,300,000
4	Program participant contributions.....	4,206,500
5	State general fund/general purpose..... \$	99,980,700
6	OFFICE OF COMMUNITY CORRECTIONS	
7	Full-time equated classified positions.....15.0	
8	Community Corrections Services - 15.0 FTE	
9	positions..... \$	26,353,900
10	GROSS APPROPRIATION..... \$	26,353,900
11	Appropriated from:	
12	Federal revenues:	
13	DOJ-BJA PL 100-690 federal grant.....	750,000
14	State general fund/general purpose..... \$	25,603,900
15	PRISON INDUSTRIES OPERATIONS	
16	Full-time equated classified positions.....198.8	
17	Prison Industries Services - 198.8 FTE positions... \$	10,449,300
18	GROSS APPROPRIATION..... \$	10,449,300
19	Appropriated from:	
20	Special revenue funds:	
21	Correctional industries revolving fund	10,449,300
22	State general fund/general purpose..... \$	0
23	GENERAL SECTIONS	
24	Sec. 201. (1) In accordance with the provisions of section 30 of	
25	article IX of the state constitution of 1963, total state spending in	
26	this appropriation act is \$846,209,900.00 and state spending to units of	
27	local government is as follows:	
28	ADP-Assumption of county probation.....\$	348,400

1	Assumption of county probation staff.....	18,572,000
2	Florence Crane-public service work project.....	1,713,600
3	Minimum security jail work camp program.....	900,000
4	Community corrections grants.....	13,497,900
5	State assistance for local corrections.....	11,073,000
6	Total.....	\$46,104,900

7 (2) When it appears to the principal executive officer of each
8 department that state spending to local units of government will be less
9 than the amount that was projected to be expended for any quarter, the
10 principal executive officer shall immediately give notice of the
11 approximate shortfall to the department of management and budget, the
12 senate and house appropriations committees, and the senate and house
13 fiscal agencies.

14 Sec. 202. The appropriations made and the expenditures authorized
15 under this act and the departments, agencies, commissions, boards,
16 offices, and programs for which an appropriation is made under this act
17 are subject to the management and budget act, Act No. 431 of the Public
18 Acts of 1984, being sections 18.1101 to 18.1594 of the Michigan Compiled
19 Laws.

20 Sec. 203. (1) It is the intent of the legislature that the funds
21 appropriated in section 101 will permit the department to carry out each
22 program for the entire fiscal year, unless a shorter period is provided
23 in law.

24 (2) The department shall not make or authorize an expenditure or
25 incur an obligation that exceeds or results in spending that will exceed
26 the amount appropriated in section 101 or as otherwise provided by law.

27 (3) In consultation with the department of management and budget,
28 the department shall, for each appropriation, develop a spending plan
29 allotting the amount appropriated over the full 12 months of the 1991-

1 1992 fiscal year.

2 (4) The department director shall advise the director of the
3 department of management and budget if an appropriation in section 101
4 or otherwise provided by law will not permit that department to carry out
5 the program specified by line item mandated by the legislature for the
6 entire fiscal year. The department director shall consider both the
7 amount appropriated for each line item and the sufficiency of projected
8 sources of financing when deciding whether the appropriation will last
9 the entire fiscal year. If the director of the department of management
10 and budget concurs with the projections of that department, the director
11 shall advise the chairpersons of the senate and house appropriations
12 committees, and the chairpersons of the appropriate appropriations
13 subcommittees that an amount appropriated in section 101 or as otherwise
14 provided by law will not permit that department to carry out the program
15 mandated by the legislature for the entire fiscal year.

16 (5) If both the appropriations committees disagree with the
17 conclusion of the director within 10 days, the house fiscal agency and
18 senate fiscal agency shall immediately publish estimates of whether the
19 amount appropriated, including all sources of financing assumed in the
20 appropriation, will permit that department to carry out the program
21 mandated by the legislature for the entire fiscal year.

22 (6) If the legislature does not act within 30 days after the notice
23 from the director provided in subsection (4) to reduce the mandated level
24 of service, authorize the program to end before the fiscal year is
25 completed, or increase the amount of the appropriation, that department
26 shall reduce the rate of spending in order to carry out the legislature's
27 intent that the program be carried out for the full fiscal year.

28 Sec. 204. As used in this act:

29 (a) "ADP" means automatic data processing.

- (b) "BCF" means the bureau of correctional facilities.
- (c) "CRP" means the community residential program.
- (d) "CSS&M" means contractual services, supplies, and materials.
- (e) "DED" or "ED" means the United States department of education.
- (f) "Department" means the department of corrections.
- (g) "DMB" means the department of management and budget.
- (h) "DOJ" means the United States department of justice.
- (i) "DOL" means the United States department of labor.
- (j) "DPH" means the Michigan department of public health.
- (k) "DSS" means the department of social services.
- (l) "ECIA" means the education consolidation and improvement act.
- (m) "FTE" means full-time equated position.
- (n) "HHS" means the department of health and human services.
- (o) "IDG" means interdepartmental grant.
- (p) "IDT" means intradepartmental transfers.
- (q) "LEIN" means the law enforcement information network.
- (r) "MSA" means the Michigan sheriffs' association.
- (s) "MSI" means Michigan state industries.
- (t) "MTD" means the motor transport division.
- (u) "OCC" means the office of community corrections.
- (v) "OCJ" means the office of criminal justice.
- (w) "OESE" means the office of elementary and special education.
- (x) "OVAE" means the office of vocational education.
- (y) "OSAS" means the office of substance abuse services.
- (z) "PREP" means the prisoner rehabilitation and education program.
- (aa) "SAI" means the special alternative incarceration program.

Sec. 205. The department may collect funds for compassionate visit cost reimbursement, the cost of drug research at the state prison of southern Michigan, and reimbursement of costs for housing federal

1 prisoners, and may accept funds as bequests and donations.
2 Notwithstanding any other section of this act, these funds are hereby
3 appropriated and allotted for expenditure when received.

4 Sec. 206. Funds collected by institutions from public agencies for
5 public works performed by prisoners shall be placed in the respective
6 institution's public works account or in the accounts from which the
7 expenditures for the program are paid.

8 EXECUTIVE

9 Sec. 301. (1) The department shall compile the number and percent
10 by county of prisoners for which the state felony sentencing guidelines
11 upper limit for the recommended minimum sentence is 12 months or less.

12 CONSENT DECREES

13 Sec. 401. (1) The department shall continue to fill the 377.8
14 full-time equated positions authorized in section 101 for the consent
15 decree DOJ psychiatric plan as quickly as qualified personnel can be
16 recruited.

17 (2) The department shall only hire the recommended support staff for
18 the DOJ consent decree-psychiatric plan as qualified psychiatrists and
19 psychologists are recruited and the demand for support services is
20 realized.

21 Sec. 402. (1) The \$28,706,700.00 and the \$8,588,700.00 appropriated
22 in section 101 for the Department of Justice court consent decree and the
23 Hadix court consent decree, respectively, shall constitute separate work
24 project accounts. Expenditures from these accounts shall be made by
25 administrative transfer to separate accounts created for the purpose of
26 separately identifying costs associated with each consent decree and
27 shall not be made unless approved by the department of management and
28 budget. These separate accounts shall constitute work project accounts.

29 (2) All state plans and subsequent revisions which are prepared by

1 the department pursuant to the federal court consent decree or the Hadix
2 court consent decree and which require expenditures from consent decree
3 appropriations for the cost of additional staffing or for capital outlay
4 including planning, special maintenance, remodeling and additions, and
5 construction shall be submitted to the department of management and
6 budget 30 days before submission to the courts.

7 CORRECTIONAL INDUSTRIES

8 Sec. 501. (1) The department shall aggressively expand work
9 opportunities for prisoners within the prison system to reduce the cost
10 to the state for the prisoners' incarceration.

11 (2) The department of corrections may use prisoner labor with
12 civilian supervision to make court-ordered correctional facility repairs,
13 improvements, and remodeling costing less than \$50,000.00, including
14 repair, improvement, or remodeling projects involving outside
15 contractors. The department is encouraged to use prisoner labor with
16 civilian supervision to accomplish lump-sum projects and to undertake
17 correctional facility demolition projects.

18 ADMINISTRATIVE OPERATIONS

19 Sec. 601. Money collected by the corrections academy for meals
20 served at the academy to academy employees not required to eat meals at
21 the academy shall be placed in the corrections academy account.

22 Sec. 602. (1) The appropriation in section 101 for administrative
23 operations includes \$70,000.00 for the voluntary physical
24 fitness/wellness program for correctional officers at the state prison
25 of southern Michigan, Cotton regional correctional facility, Egeler
26 correctional facility, and the parole camp. The voluntary physical
27 fitness pilot program is intended to encourage increased physical fitness
28 and wellness among corrections officers.

29 (2) There shall be no charge to first year participants, while

1 second and third year participants shall contribute \$137.50 (50%) toward
2 the cost of the program.

3 Sec. 603. The department may use up to 5 percent of the amount
4 expended in fiscal year 1991 for worker's compensation for a pilot
5 disability management project to determine if such a project can pay for
6 itself through savings in workers' compensation costs. The amount
7 authorized shall include start-up costs as appropriate. The project
8 shall be implemented by the department subject to the review and approval
9 of the risk management division of the department of management and
10 budget in cooperation with the disability management office of the
11 department of civil service.

12 CORRECTIONAL INSTITUTIONS

13 Sec. 701. (1) The appropriations for food contained in this act are
14 established on the basis that food items produced or processed on prison
15 farms not operated by prison industries are priced based on production
16 costs. Production costs include only the supplies, materials, and
17 contractual services and prisoner wage costs incurred in producing the
18 food items.

19 (2) The proceeds of any product, livestock, or products grown,
20 raised, or produced by the prisoners of any institution within this act
21 and which are sold to any other state institution or on the open market
22 as surplus shall be credited to the producing institution's CSS&M
23 account.

24 (3) If the prison farms are operated by prison industries, the
25 appropriations for food contained in this act are established on the
26 basis that food items produced or processed on the prison farms by prison
27 industries are priced in an amount that shall not exceed current
28 institutional wholesale prices.

29 Sec. 702. Funds collected by institutions for meals served at the

1 institution to institution employees not required to eat meals at the
2 institution shall be placed in the respective institution food account.

3 Sec. 703. (1) Pursuant to the provisions of civil service rules and
4 regulations and applicable collective bargaining agreements, individuals
5 seeking employment with the department shall submit to a controlled
6 substance test. The test shall be administered by the department.

7 (2) Individuals seeking employment with the department who refuse
8 to take a controlled substance test or who test positive for the illicit
9 use of a controlled substance on such a test shall be denied employment
10 by the department for a minimum of 1 year.

11 Sec. 704. (1) The department shall administer a county jail
12 reimbursement program from the funds appropriated in section 101 for
13 institutional operations.

14 (2) The county jail reimbursement program shall reimburse counties
15 for housing convicted felons who would otherwise have been sentenced to
16 a state prison term with a minimum-minimum state felony sentencing
17 guidelines score of 12 months or more.

18 (3) The county jail reimbursement program shall reimburse counties
19 for housing parole violators and offenders being returned by the
20 department from community placement to institutional status.

21 (4) State reimbursement under the provisions of this section shall
22 be for prisoner housing and custody expenses in the amount of \$35.00 per
23 diem per diverted offender.

24 (5) Reimbursement pursuant to subsection (2) shall terminate on the
25 day before the effective date of the state assistance for local
26 corrections programs as provided by law.

27 Sec. 705. Effective October 1, 1991, the department shall charge
28 all agencies which benefit from the labor of public service work crews
29 at the rate of \$5.00 per inmate per day. Crews not reimbursed shall be

1 reassigned.

2 OFFICE OF HEALTH CARE

3 Sec. 801. (1) Included in the appropriation in section 101 is
4 \$50,000.00 for the university affiliation program to assist the
5 department in recruiting, training, and retraining staff with major
6 emphasis on medical and mental health programs, including research and
7 special studies.

8 (2) Faculty, staff, and students from medical and nurses training
9 programs in the state shall be encouraged to participate in joint
10 appointments, fellowships, and student internships.

11 (3) The department shall ensure that the appropriate universities
12 in this state are provided the information and opportunity to participate
13 in the university affiliation plan pursuant to subsection (1).

14 Sec. 802. All inpatient and outpatient services provided for
15 prisoners by outside hospitals shall be paid for on a prospective
16 cost-based reimbursement system and inpatient or outpatient services
17 shall not be paid for on a charge-based reimbursement system.

18 SPECIAL ALTERNATIVE INCARCERATION

19 Sec. 901. (1) Included in the appropriation in section 101 is
20 funding for the SAI program, which shall be used for a short-term
21 intensive incarceration program in conjunction with both probation for
22 convicted felons who would normally have been sentenced to a state prison
23 and for convicted felons who would have been sentenced to county jail
24 with a sentence of 6 to 12 months. The program shall consist of a term
25 of incarceration of up to 120 days. The regimen shall be patterned after
26 a military camp with few privileges and extensive work, study, and
27 physical activity functions. Restitution and community service work may
28 be a component of this program.

29 (2) Bed capacity for the county jail - SAI program for fiscal year

1 1990-91 shall be limited to 15% of the SAI program's total rated bed
2 capacity.

3 (3) Participation in the county jail - SAI program for fiscal year
4 1990-91 shall require interested counties to contribute 50% (\$35.30 per
5 diem) of the budgeted \$70.60 per diem total operating cost per offender.

6 Sec. 902. Agencies which benefit from public works performed by
7 special alternative incarceration program probationers shall be charged
8 at the same rate as is charged by the department for public works
9 performed by prisoners. Funds collected shall be placed in the accounts
10 from which expenditures for the program are paid.

11 OFFICE OF COMMUNITY CORRECTIONS

12 Sec. 1001.(1) The office of community corrections is appropriated
13 a total of \$26,353,900.00 in section 101.

14 (2) The office of community corrections shall be responsible for
15 providing technical assistance and funding to local advisory boards to
16 encourage local participation in community corrections programs.
17 Offenders eligible for community corrections programs include those
18 offenders who would likely be sentenced to imprisonment in a state
19 correctional facility or jail.

20 (3) Funds provided under subsection (1) shall not be used to
21 purchase real property.

22 (4) Included in the appropriation under section 101 is \$9,011,000.00
23 for the funding of probation residential services. It is intended that
24 these funds are to be used for providing beds to divert felony offenders
25 who would normally be sentenced to prison.

26 (5) Included in the appropriation in section 101, is \$13,497,900.00
27 for community corrections grants to be administered in accordance with
28 the provisions of Act No. 511 of the Public Acts of 1988, being sections
29 791.401 to 791.414 of the Michigan Compiled Laws.

1 (6) Included in the appropriation under section 401 is \$956,600.00
2 to provide funding for technical assistance pursuant to section 5(a) of
3 the community corrections act, Act No. 511 of the Public Acts of 1988,
4 being section 791.405 of the Michigan Compiled Laws, for the
5 implementation of community-based programs.

6 (7) Included in the appropriation under section 101 is \$900,000.00
7 for a minimum security jail work camp program for felony and misdemeanor
8 offenders. Classification of felony offenders shall be consistent with
9 the department's and OCC's jail classification requirements. The minimum
10 security jail work camp program is intended to encourage local
11 jurisdictions to expand supervised community work programs and to develop
12 more cost-effective housing for minimum security offenders at the local
13 level. The office of community corrections shall provide interested
14 jurisdictions with technical assistance and seed money for project
15 implementation. Grants shall be limited to twelve months and shall be
16 non-renewable.

17 (a) Funding for a specific project under this subsection shall not
18 exceed \$50,000.00 for a single-jurisdiction project or \$100,000.00 for
19 a multi-jurisdiction project.

20 (b) The office of community corrections shall evaluate single or
21 multi-jurisdiction project proposals for programmatic design, cost
22 effectiveness consistent with the communities' comprehensive plan, and
23 geographic distribution of program funds. Sec. 1002. The OCC shall
24 develop reports for the various OCC grant programs and services. The
25 reporting formats shall be designed to effectively communicate individual
26 program content and activity in an efficient manner and on a quarterly
27 basis.

28 Sec. 1003 (1) The office of community corrections shall be
29 responsible for the collection, analysis, and reporting of state jail

1 data.

2 (2) As a prerequisite to participation in the programs and services
3 offered through the office of community corrections, counties shall
4 provide the required basic jail data on not less than a quarterly basis.

5 COMMUNITY RESIDENTIAL PROGRAM

6 Sec. 1101. (1) It is the intent that all CRP prisoners,
7 probationers, and parolees involved with the electronic tether program
8 shall reimburse the department \$6.50 per day for costs associated with
9 their participation in the program.

10 (a) The department shall require community service work
11 reimbursement as a means of payment for those able-bodied individuals
12 unable to pay for the cost of the equipment.

13 (b) The department is encouraged to coordinate through OCC and
14 Community Corrections Advisory Boards for the development, administration
15 and operation of community service work programs.

16 (2) Program participant contributions, local-community-tether
17 program reimbursement, and the IDT-DSS-juvenile electronic tether pilot
18 program revenues, for the electronic tether program appropriated in
19 subsection (1), are related to program expenditures and may be used to
20 offset expenditures for this purpose.

21 (3) Funds provided under subsection (1) shall not be expended for
22 an individual probationer, CRP prisoner, or parolee supervised by the
23 department of corrections unless the tethered probationer, CRP prisoner,
24 or parolee reimburses the department at the specified per diem
25 reimbursement rate or performs the number of hours of community service
26 work required to reimburse the state for the outstanding obligation. One
27 hour of community service work shall be required to reimburse the state
28 for each equipment fee per diem. Department prisoners on the electronic
29 tether program who are more than 30 days delinquent in making their

1 required per diem reimbursement payments or serving the required hours
2 in a department-approved community service work program shall be returned
3 to a secure correctional facility within 14 days.

4 (4) The department shall continue the cooperative agreement with the
5 Department of Social Services to provide not more than 60 electronic
6 tether units. The 60 tether units will be monitored at the department's
7 region III tower site. The department shall provide equipment, technical
8 assistance with the application and removal of the equipment,
9 administrative supervision of the equipment, periodic reports regarding
10 youthful offenders in the program, and notification of program violators.
11 DSS staff shall be responsible for the coordination and apprehension of
12 program violators. The department shall submit an invoice for
13 contractual services to the DSS at the end of each fiscal quarter with
14 reimbursement based on \$7.50 per diem per youthful offender. The DSS
15 shall notify the department by November 1, 1991 regarding its plans for
16 using the 60 tether units during fiscal year 1991-92.

17 (5) Included in the appropriation in subsection (1) is funding to
18 provide for implementation of the community-tether program. The
19 community-tether program is intended to be administered by the
20 department, with OCC providing program coordination with counties. The
21 community-tether program is intended to provide sentencing judges and
22 county sheriffs in coordination with local community corrections boards
23 access to the state's electronic tether program based on a 2-tier
24 reimbursement schedule. The state will for \$5.30 per diem provide
25 counties with the tether equipment, replacement parts, administrative
26 oversight of the equipment's operation, notification of violators, and
27 periodic reports regarding county program participants. Under the \$5.30
28 per diem option, counties are responsible for tether equipment
29 installation and service, and apprehension of program violators. For

1 \$7.50 per diem the state will provide the equipment, staff to install and
2 service the equipment, administrative oversight staff, periodic reports
3 regarding county program participants, and notification of program
4 violators. County officials shall be responsible for the coordination
5 and apprehension of program violators. The OCC shall determine the
6 appropriate distribution of the 1,500 average tether units throughout the
7 state based on analysis of community demand through community
8 comprehensive plans and OCC data analysis and communicate this
9 information to the department for implementation. The department shall
10 submit invoices for contractual services to each participating county
11 program monthly, with payment due from participating county programs
12 within 30 days. County officials are responsible for collecting per diem
13 fees from community tether program offenders if a per diem fee is
14 initiated by the county programs. Any county with tether charges
15 outstanding over 60 days shall be considered in violation of the
16 community-tether program agreement and lose access to the program.

17 Sec. 1102. (1) Any county or local jurisdiction district which has
18 less than 5% of the total number of felons sent to the state prison with
19 state felony sentencing guidelines upper limit for the recommended
20 minimum sentence of 12 months or less based on the most recent 2 quarters
21 shall be eligible for the following additional benefits:

22 (a) Five dollars and \$3.50 respectively for the 2-tier reimbursement
23 schedule provided for in subsection (5) for the community electronic
24 tether program.

25 (b) 60% copay by the state for county felons sentenced to the
26 SAI-county jail program, as provided for in section 1001(5).

27 (c) \$37.00 per diem reimbursement from the state for housing
28 diverted state prisoners in county facilities.

29 (2) For a county or local jurisdiction to be eligible for funding

1 under this section, the county or local jurisdiction would have to comply
2 with the requirements as defined in the community corrections act, Act
3 No. 511 of the Public Acts of 1988, being sections 791.401 to 791.414 of
4 the Michigan Compiled Laws, including establishing a community
5 corrections advisory committee; submission and approval of a
6 comprehensive corrections plan; and agreeing to provide the office of
7 community corrections on a monthly basis the basic jail data elements as
8 specified in section 1003.

9 (3) As a prerequisite to participation in this program, counties and
10 local jurisdictions must insure that the department has a minimum of 3
11 months of data for prison commitments summarizing actual minimum
12 sentences and sentencing guidelines scores.

13 (4) Any county or local jurisdiction that participates in the
14 programs outlined in subsection (1) and exceeds the 5% limitation
15 provision shall be charged the full reimbursement rate as provided for
16 each of the programs being utilized until such time as the county's
17 average for the previous 2 quarters is again less than the 5% limitation
18 as required in subsection (1).

19 COMMUNITY RESIDENTIAL PROGRAM

20 Sec. 1201. (1) Resident contribution revenues appropriated to the
21 department in section 101 are related to community residential
22 centers-CSS&M, rent, and travel expenditures, and may be used to offset
23 expenditures for these purposes in year-end account closing.

24 (2) It is the intent of the legislature that all CRP prisoners who
25 have the financial resources shall reimburse the department. The
26 department shall develop a community service work reimbursement schedule
27 which may be substituted at the department's discretion as a means of
28 payment for those individuals unable to pay.